

## REMARKS

### **I. INTRODUCTION**

Claims 1-4, 6-7, 9-13, 17, 22, 24-25 and 39-41 are pending in the present application. In view of the following remarks, it is respectfully submitted that all of the presently pending claims are allowable.

### **II. THE 35 U.S.C. § 102(e) REJECTIONS SHOULD BE WITHDRAWN**

Claims 1-4, 6-7, 11-13 and 39-41 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Pub. No. 2005/0273436 to Coley et al. ("Coley"). (3/28/06 Office Action, pp. 2-4).

Coley describes a system for automatically determining whether a software application is licensed. (Coley, Abstract). The system includes a "client module" attached to a software application, allowing the application to automatically report to a computer maintained by a software provider. (*Id.*, p. 2, ¶ [0018]). If it is determined that the application is not licensed, the application is not enabled. However, if the application is licensed, the application is enabled or re-enabled. (*Id.*, p. 3, ¶ [0022]). This determination utilizes a license validity inquiry request message that contains the application name, version number, a date/time stamp, the name of a license server and a hardware identifier. A query is then made to determine whether a corresponding license record is stored in a database of the server. (*Id.*, p. 5, ¶ [0052]).

Claim 1 of the present application recites a method of managing an automated license installation on a client computing system comprising:

- retrieving license information of the client computing system from a license database located on a remote server;
- receiving a selection of a configuration of the retrieved license information;
- confirming the configuration of the retrieved license information on the client computing system; and
- receiving one of a license file relating to the confirmed configuration of the retrieved license information and an error message.

The invention of the present application relates to installing software licenses on client systems, whereas Coley's system is not directed to the installation of software licenses in any way. Coley's system operates on installed software and merely checks whether a valid license

exists for the software. When no license is found, the user is provided with a phone number or web page through which a license may be purchased. (Coley, p. 6, ¶ [0057]). The installation of the license is not described, nor is there any suggestion as to how the installation might be performed. Furthermore, Coley does not mention or suggest “receiving a selection of a configuration of the retrieved license information,” as recited in claim 1 and only determines whether a license record exists and is valid. Because the determination is automatic, a user is unable to configure an installation of a license or confirm the configuration. Thus, it is respectfully submitted that Coley neither discloses nor suggests “receiving a selection of a configuration of the retrieved license information” and “confirming the configuration of the retrieved license information on the client computing system,” as recited in claim 1.

It is therefore respectfully submitted that claim 1 and claims 2-4, 6-7, 11-13 and 39-41, which depend therefrom are allowable.

### **III. THE 35 U.S.C. § 103(a) REJECTIONS SHOULD BE WITHDRAWN**

Claims 9-10, 17, 22 and 24-25 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Coley in view of U.S. Patent No. 6,006,035 to Nabahi. (3/28/06 Office Action, pp. 5-6).

Nabahi describes a system for custom computer software installation using a standard rule-based installation engine. (Nabahi, Abstract). A system administrator determines custom installation parameters, such as a copying of certain files or a running of an application program during a predetermined installation phase. (*Id.*, col. 7, lines 42-49). Thus, Nabahi’s system allows the system administrator to create a custom installation program that can be used to install the application program onto a client.

As described above, Coley fails to disclose or suggest “receiving a selection of a configuration of the retrieved license information” and “confirming the configuration of the retrieved license information on the client computing system,” as recited in claim 1, from which claims 9-10 depend. It is respectfully submitted that Nabahi is insufficient to cure this deficiency. Nabahi’s system merely allows the system administrator to customize installation parameters by modifying an installation program. Because the installation parameters are set prior to executing the installation program, license information is neither retrieved nor configured. The license is determined prior to installation and cannot be modified or adapted to the needs of the user. Thus, it is respectfully submitted that neither Coley nor Nabahi, either

alone or in combination, discloses or suggests "receiving a selection of a configuration of the retrieved license information" and "confirming the configuration of the retrieved license information on the client computing system," as recited in claim 1 and claims 9-10 are allowable.

Claim 17 of the present application recites a system for managing an automated license installation on a client computing system comprising:

- a setup program which resides on the client computing system, the setup program configured to send post requests containing user information using hypertext transfer protocol (HTTP) over a network to an HTTP port;
  - a tunneling agent which resides on a remote server system accessible via the network and having the HTTP port and a firewall, the tunneling agent configured to receive the post requests from the HTTP port;
  - an automated license daemon program which resides on the remote server system, the automated license daemon configured to receive the user information from the tunneling agent; and
  - a first database which resides on the remote server system and on which is stored license information and a license file, the first database configured to receive a request from the automated license daemon program and return a reply, the reply including one of the license information, the license file and an error message;
- wherein the automated license daemon is further configured to send a reply HTTP message based on the reply to the setup program over the network using the HTTP port.

Neither Coley nor Nabahi mention or suggest the use of HTTP tunneling or an HTTP tunneling agent. For example, as described in the specification of the present application, an exemplary system according to the present invention provides for CGI tunneling agents on the application download server. (Specification, pg. 12, lines 21-27.) The setup program communicates with the download server using post messages to HTTP ports available through firewall security software. (*Id.*, pg. 12, lines 10-23.) The tunneling agents are used to connect to an automated license daemon, allowing messages to be passed between the setup program and the license daemon. (*Id.*, pg. 3, lines 10-20; pg. 12, lines 21-29; Figure 7.). Coley only describes the use of transfer control protocol (TCP) and universal datagram protocol (UDP) for communications between a client and a server. (Coley, p. 12, ¶ [0109]). Nabahi does not describe how the installation program is obtained, and states that the necessary installation files are distributed to client computers in a network without mention or suggestion of how the files are distributed.

(Nabahi, col. 7, lines 55-66). Thus, it is respectfully submitted that neither Coley nor Nabahi, either alone or in combination, discloses or suggests "a tunneling agent which resides on a remote server system accessible via the network and having the HTTP port and a firewall, the tunneling agent configured to receive the post requests from the HTTP port," as recited in claim 17.

It is therefore respectfully submitted that claim 17 and claims 22, 24 and 25, which depend therefrom are allowable.

**CONCLUSION**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, a early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

Dated: June 28, 2006

By: 

Michael J. Marcin (Reg. No. 48,198)

Fay Kaplun & Marcin, LLP  
150 Broadway, Suite 702  
New York, NY 10038  
Tel: (212) 619-6000  
Fax: (212) 619-0276